

## **REMARKS/ARGUMENTS**

In the Office Action, claims 11, 26-28 and 31-33 were rejected as being obvious over United States Patent No. 5,911,734 (Tsugita et al.) Claims 34 and 47 were indicated to be allowable if rewritten to by the foregoing amendment.

Tsugita et al. describes stent delivery catheters that have expandable filters for catching loose embolic material. In one embodiment the filter assembly of Tsugita et al. is caused to expand and contract by axially advancing or retracting a guidewire relative to the filter assembly. (Col. 11, lines 21-35) In another embodiment the filter assembly of Tsugita et al. is caused to expand and contract by rotation of a guidewire relative to the filter assembly. (Col. 11, line 63-Col. 12, line 9)

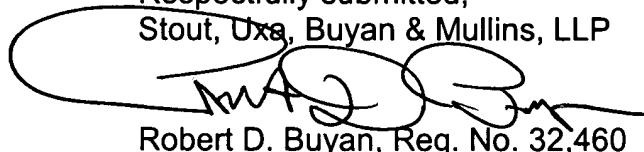
By the present amendment, claims 1-32 and 48-50 have been cancelled, claims 33, 37 and 47 have been amended and claims 51-57 have been added.

Independent claim 33 has been amended to recite a system that includes a guidewire, and wherein the embolus removal apparatus may expand from a collapsed configuration to a deployed configuration without requiring axial movement or rotation of the guidewire. As amended, claim 33 is distinguishable over Tsugita et al. at least on grounds that Tsugita et al. requires rotation or axial movement of the guidewire to cause expansion or contraction of the filter. Thus, based on this distinction and others not specifically articulated here, independent claim 33 is patentable over Tsugita et al. and all other prior art of record. Dependent claims 34, 47 and 51-53 further define or further limit the subject matter of independent claim 33 and, thus, are also in condition for allowance over Tsugita et al. and all other prior art of record.

Also by the present amendment, new method claims 54-57 have been added. These claims are not believed to be subject to restriction. Independent claim 54 recites a method wherein an outer tube of the catheter is retracted to cause expansion of the embolus removal apparatus without concurrent axial or rotational movement of the guidewire. As pointed out above, Tsugita et al. requires either axial or rotational movement of a guidewire in order to expand a filter. Thus, because it recites expansion of the embolus retrieval apparatus without axial or rotational movement of the guidewire, new independent claim 54 is distinguishable over Tsugita et al. and all other prior art of record. Dependent claims 55-57 further define or further limit the subject matter of independent claim 54 and, thus, are also in condition for allowance over Tsugita et al. and all other prior art of record.

Reconsideration and issuance of a notice of allowance with respect to claims 33-34, 47 and 51-57 is earnestly solicited. The Examiner is invited to telephone Applicant's undersigned counsel to discuss any measures that may be taken to facilitate prompt issuance of a notice of allowance in this case.

Respectfully submitted,  
Stout, Uxa, Buyan & Mullins, LLP



Robert D. Buyan, Reg. No. 32,460

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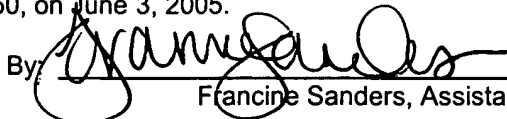
4 Venture, Suite 300  
Irvine, CA 92618

Telephone:(949) 450-1750; Facsimile: (949) 450-1764

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 3, 2005.

Dated: June 3, 2005

By:   
Francine Sanders, Assistant